

C/A 2013-CP-21-95

10/21/10

Dec

THE Honorable Connie R. Sheridan  
12th Judicial Circuit Court Clerk

180 N. Kirby St MSC-E Dec 20, 2013  
(Rm B 11)

Florence SC 29501

(Pvt) Robert Graham 178039 V. State of SC)

RE: The Hon William H. Seals, Jr  
Presiding Judge, 12th Judicial  
Circuit

P.O. Box 143  
Marietta SC 29571

(Certificate of  
Service from and  
back on pg)

R.C.Jr.

Dear Clerk Sheridan:

10 OF 10

Enclosed you will find two (2) copies  
of applicant's notice and motion before  
this court for a Rule 59(e) ordering  
or amending with regards to Judge  
Seals final order of dismissal.

Please file the original and of course  
return my copy to me. Please note  
that I have served Hon Seal a  
copy of the address provided  
above by attorney Joshua L. Thunier.

cc: Hon William H. Seals Jr

ass/affy: Joshua L. Thunier (178039)

F/P Robert Graham Jr

The Honorable  
William H. Seals, Jr 20F10  
Presiding Judge Twelfth  
Judicial circuit  
P.O. Box 143  
Marion, SC 29571



RE: Robert T Graham, Jr (#178039)  
v. State of South Carolina

2013-CP-21-1195

SCRCR Rule  
59(e)

Pear Hon Seals! see (SCACR 201).

Enclosed please find applicant's Notice and Motion for the issues, and assertions, arguments and facts to be ruled upon, by findings of facts, and conclusions of law, with regards to each ground, to include the amendment pursuant to Pruett v. State 324 S.C. 22, 484 S.E.2d 101 (1997), emphasis added pursuant to Pruett v. State, 350 S.C. 254 423, 522 S.E.2d 127 (1992).

cc: Connie R.B. Skerain  
12th Judicial Clerk  
for Filing

Judge L. Thomas Esquire  
(ATTY General)

I remain (178039)  
Robert T. Graham Jr.

Robert Graham Jr  
Pro-Se Litigant

The Honorable

William H. Seals, Jr 30F10  
Presiding Judge, Twelfth  
Judicial Circuit

P.O. Box 143

Maryland, SC 29571

(Case No. 2013-CP-21-1195)

Robert Graham, Jr (78023)  
Applicant,

v. State of South Carolina  
Respondent

1013 DEC 23 2013  
CONNIE REILLY &  
CCCS & CO.  
FLORENCE, SOUTH CAROLINA  
FILED  
MILLER

A. Right to appeal

Notice and motion  
for Rule 59(e)  
after final order.

An issue not ruled on by the PCR Judge in  
the entirety of this PCR application, or the  
recognized amendment under Austine v. State

pursuant to Austine v. State 305 S.C. 453,  
409 SE2d 345 (1991) [extended in  
Wilson v. State 348 SC 215, 559 SE2d

581 (2002) Supreme Court, will not be properly preserved for the  
record on appeal. It would be prudential  
to applicant. Emphasis 3

The Honorable

OF 10

William H. SEALS, Jr.

2013 DEC 23 AM 11:40

Presiding Judge Twelfth  
Judicial circuit

P.O. Box 143

Marion SC 29571

(Case No. 2013-CP-21-1195)

S.C. Code Ann 17-27-80 (17-27-90) 17-27-100  
Affidavit.

If has long since been a standard of the practice of law before this court, and the United States Constitution, to encompass South Carolina Constitution, that every defendant is include the applicant. Has a guaranteed 14th amendment right to have heard all of the [now raised] issues before this court raised, and ruled upon and properly adjudicated on each merit in his [original] [PCR] and [Supplemental] amended complaint. Thus, state <sup>in</sup> corrected, he endangers cause the statute of limitation doctrine the state alludes to in its return to dismiss. Applicant did not [knowingly] and willingly [waive] his rights to have all his issue preserved for review and appeal [all his claims] from PCR denied.

The Honorable

5 of 10

William H. SEALS, Jr

Presiding Judge twelve  
Judicial circuit

"

Prop X 143

Marion SC 29571

(Case No. 2013-cp-21-1195)

C. Belated appeals, Wilson, Odum,

There since in applicants original PCR and supplemental complaint. Both counsels of record [failed] gravely for [himself] and for [co-defendant] raise all issues relevant to the applicant obtaining his one (1) full-life at the appellate during that PCR and appeal process. Thus, attorney Joshua L. Thomas has ask this Court to [REDACTED] Commit fraud by asserting that applicant is challenging and attacking the validity of his conviction and sentence, when clearly the two (2) objections in applicants conditional response and the unopposed motion under Austinne prima facia conveys applicants assertions, argues, pleadings and affidavits; A Surport. proffers applicant is only attacking, the final order of dismissal prepared by attorney Joshua L. Thomas

2013 DEC 23 AM 11:16  
FLORENCE, CONNIE REED COOPER  
FILED BY CLERK

And presented to you for signing violates the standards of integrity, decency, and ethical boundaries, where attorney Joshua L. Thomas (order) illustrates that the applicant objected two (2) times for conditional order not becoming final. He then mentioned at least applicant raises six (6) allegations for why the conditional order should not become final. But! If you just include the claims in the order in which he expected you to sign. He must think that you are just going to sign the final order without reading, and knowing all applicants law and facts in support of this hearing and opposition of counsel to represent him pursuant to applicants right under Odom, Austinine, Wilson, and scf Rule G-9 applicants right to counsel. attorney Joshua L. Thomas is well aware as an officer of the court, and member of the bar, That there is no [statute of limitations] that applies to Dusfine, Odom, extended in Wilson 348 sc 215, 559 sec 58 (2002) However, he ~~inadvertently~~ leaves out the crux of applicants claims in this regards in both conditional and final order. He makes no mention of them

6 OF 10  
FL 50 CONN REC REC 13 DEC 23 2014

7 OF 10

Consequently, for any of applicants [ ] found among  
 claims, in his Sept 30, 2013, pm 2113 filed  
 objections to conditional and final order of  
 dismissal. Surely, IF he had only removely,  
 gazed at [any] of the claims and unadjudicated  
 claims, not properly preserved, raised or ruled  
 upon, by counsel not [firmly] adequately . . .  
 [preserving] them at first PCR and supplemental  
 original order. He would then discover application  
 is not attacking his conviction or sentence.  
 but moreover, the state procedural process  
 pursuant to S.C. code 17-27-80, 17-27-90 -  
 17-27-100, which caused applicants now raised  
 claims not to be proper for briefing on appeal  
 review, because of incompetent counsel. ~~and~~  
 witness, and now, newly ruled upon ~~will~~, ~~will~~  
 does not allow the state to penalize ~~applicant~~  
 for state created expiration for filing PCR.  
 The remedy, the Supreme Court  
 established in Wilson, was to [correct] the [unjust]  
 proceedings and defects under PCR rules, assistant  
 attorney Joshua L. Thomas ~~as~~ an officer  
 of the court is to have you sign a final  
 order of dismissal misrepresenting the law

8 of 10.

and facts, and to set Rule according to findings of all facts, and conclusions of all law in support of the first or Original application.

See pgs 1 of 1, 1 of 2 and 1 of 3 to incorporate 1 of 4 in application 2013

Sept 30 pm 2:13 objection to confirm and final order of dismissal. [REDACTED] Hence,

the court will conclude application cannot be legally dismissed as successive, vainly, and for failing to state a claim upon which relief can be granted.

D. O. J.  
A. H.  
P. D.

### Standard of review

#### on appeal

The Supreme Court will not uphold PCR dismissal when not supported by probative evidence, because counsel on PCR and appeal failed to timely & adequately raise the new claims. Applicant never got a full bite of the app. and never had a PCR. Austin, procedure for review in this court are the same as for belated appeals or direct appeals. SEE SCACR 227(g) the Supreme Court has determined statute of limitations does not apply for application, odon.

FIL  
2013 DEC 23 AM 11:40  
CONNIE REED-SHEARD  
CCGP & CS  
FLORENCE COUNTY, S.C.

9 OF 10

Finally, all issue must be ruled upon by the per Judge in this instant matter.  
Our will not be considered preserved  
For review by the Supreme Court.

Plaintiff v. Sfatu, 310 S.C. 254, 423, ~~SCED~~

127 (1992) Therefore, respectfully,  
IF the court order of denial is final.

and no evidentiary hearing will be  
granted applicant according to the above  
mention required by motion and order.  
for after or amend pursuant to SCRCMP  
59(e).

because the affor may general  
affidavit

and this court has refused to

Oppoint ad lquant counsel to  
assist applicant

by brief representation cannot stop  
the motion pursuant to SCRCMP 59(2)  
on all grounds arguements amendments  
claims, and pleadings to be ruled upon  
properly according to findings of facts  
and conclusions of law in final order.  
of noting Marlboro v. sfatu' citation (2010)

(complaint)

If it is so motion certificate

PS Robert Gauthier Jr. →

pro lifeguard OVER  
certificate

10 OF 10

THE STATE OF SOUTH CAROLINA > IN THE COURT OF COMMON PLEAS  
COUNTY OF FLORENCE

(120039)

2013 - CP - 21-1195

Robert Graham Jr

11:

AM DEC 23

BONNIE K. COOPER  
FLORENCE

applicant.

> AFFIDAVIT OF  
SERVICE BY  
MAIL

STATE OF SOUTH CAROLINA > pgs 1-10

Respondent

> SEE AFFIDAVIT 1 OF 2  
20 FEB

1. I am the Perry C. & mail-room personnel  
in the above-specified action.

2. On file is 20<sup>th</sup> Day of 2013,  
proper service by mail was served upon beneath  
parties for a SC Rcp 59(e) motion to alter  
or amend Judgment, findings of facts, and

conclusions of law pursuant to Privity in  
State, 310 S.C. 254, 423 SE2d. 25 137 (1992)

(1) Clark Counsel R. Sherman

180 N. Tracy St MSC-ERW

R-11 Florence SC

Sworn before me  
this 9<sup>th</sup> day of December 2013

Nancy C. Merchant

No Filing Public Filing

EX 1-23-2020

(2) Hon. William H. Seale Jr  
Presiding Judge 12th Judicial  
Circuit PV Box 143

Marietta, SC 30057

ISI D. J. G. L. H. G.